

### **REMARKS**

Claims 39-61 are pending in the present application. Claims 1-38 were previously canceled, and Claims 39 and 52 have been herein amended. Applicants respectfully submit that no new matter has been added by this amendment. Accordingly, Claims 39-61 are pending.

#### **Remarks Concerning Rejections Under 35 U.S.C. § 102**

Claims 52-54, 56, 57, 59 and 60 had been previously rejected as being anticipated by U.S. Patent No. 6,073,053 to Dummermuth ("Dummermuth"). In the Reply filed on August 3, 2005, Applicants made certain amendments to the claims after a final rejection. In response thereto, the Examiner issued the August 18 Advisory Action. On page 2 of that Action, the Examiner stated that those amendments "appear sufficient to overcome the Dummermuth reference". The amendments were not entered, however, because the Examiner determined that they raised new issues that would require an additional search and further consideration.

In light of the Examiner's statements in the August 18 Advisory Action, Applicants respectfully submit, as the Examiner has concluded, that Dummermuth does not disclose each of the claims, as amended herein. Applicants therefore respectfully request that the § 102 rejection be withdrawn and the claims be allowed to issue.

#### **Remarks Concerning Rejections Under 35 U.S.C. § 103**

In the August 18, 2005 Advisory Action, the Examiner did not address the question of whether the amendments made herein are sufficient to overcome the § 103 rejections of the claims. However, because those rejections are all based on a combination of Dummermuth with other references, Applicants respectfully submit that those § 103 rejections have been obviated as well.

It is already established and agreed by the Examiner that the amendments made herein to the claims are sufficient to show that Dummermuth does not teach every element of the claims. Namely, Dummermuth does not disclose an output module that executes a reflex function

without requiring an enablement signal from a controller. For the reasons set forth in the August 3, 2005 Reply, Applicants respectfully submit that none of the other references disclose that element, either.

None of the cited references, either alone or in combination, disclose the features of the present invention. Applicants therefore respectfully request that the § 103 rejections of the claims be withdrawn and the claims be allowed to issue.

### **Remarks Concerning An Additional Prior Art Search**

On page 2 of the August 18, 2005 Advisory Action, the Examiner conceded that the amendments made to the claims in the August 3, 2005 Reply are sufficient to overcome the Dummermuth reference. The Examiner then stated, "However, further search and consideration is required before the claims can move to allowance." Applicants respectfully disagree.

The claims of the present invention are directed to a control system that, in part, outputs a state signal based on a reflex function. That element of the claims was included in the application as originally filed, and has always been a part of the claims. In the June 15, 2005 Office Action, the Examiner suggested an amendment to the claims, namely "that the circuitry (or firmware) for performing the reflex function does not require an enablement signal from a controller (e.g., the reflex function is always enabled)." In the August 3, 2005 Reply, Applicants made that amendment in accordance with the Examiner's suggestion.

The amendment calls for the reflex function to be activated without an enablement signal. However, the activation of the reflex function – without or without an enablement signal – was always a part of the claims as originally filed. Therefore, any prior art disclosing a reflex function that operates *without* an enablement signal would have already been revealed in the Examiner's original search of the prior art, because that search was directed to the broader feature of the reflex function. In other words, the "additional search" posited by the Examiner is a narrower version of the prior art search that has already been performed. Applicants therefore respectfully submit that no additional search of the prior art is necessary.

Furthermore, any additional prior art that is discovered in another search could not properly be combined with Dummermuth to render obvious the claims of the present application,

because any such combination would render Dummermuth inoperable for its intended purpose. Dummermuth teaches that an enablement signal is required because it indicates general conditions for the occurrence of the reflex response, as determined by the processor. In other words, Dummermuth requires the enablement signal, because the signal is indicative of a condition. That intended purpose of Dummermuth would be rendered inoperable if combined with a separate prior art reference that disclosed a reflex response *without* an enablement signal. In sum, an additional search of the prior art would be redundant to the search that has already been performed, and the results of any such search for the amended feature could not be combined with Dummermuth even if that search were conducted. Applicants therefore respectfully submit that no further search is necessary.

Application No.: 09/903,899  
Attorney Docket No.: SAA-055 (402 P 233)  
Reply to Advisory Action of August 18, 2005

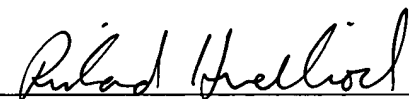
**CONCLUSION**

It has been agreed that Dummermuth does not disclose the elements of the present invention. For the same reasons, and for the additional reasons stated in the August 3, 2005 Reply, the other references do not disclose the elements of the present invention, either. Applicants also respectfully submit in light of the comments herein that no additional search of the prior art is necessary. Applicants respectfully request that the Examiner withdraw the rejections and allow the claims to issue. If it may be of assistance to contact the undersigned regarding the present invention, the Examiner is invited to do so. The Commissioner is hereby authorized to charge Deposit Account No. 23-0280 in connection with any fees associated herewith.

Respectfully submitted,

Dated: November 15, 2005

By: \_\_\_\_\_



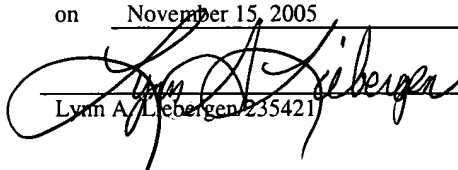
Richard C. Himmelhoch, Reg. No. 35,544  
Wallenstein Wagner & Rockey, Ltd.  
311 South Wacker Drive, 53<sup>rd</sup> Floor  
Chicago, Illinois 60606-6630  
312.554.3300

---

**CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service, with first class postage prepaid, in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on November 15, 2005

  
\_\_\_\_\_  
Lynn A. Lieberman 235421